

From: [Charles Keith](#)
To: [John McCoy](#)
Cc: [Quinones, Edwin](#); [David Vansoest](#); [Kelly Cook](#); [Kathleen Decker](#); [Susan Jablonski](#); [don.holmstrom@csb.gov](#); [daniel.horowitz@csb.gov](#); [chris.lyon@csb.gov](#); [johnnie.banks@csb.gov](#); [Hayes, Mark](#); [lewis.jeffrey@dol.gov](#); [Le, Madeleine - SOL](#); [rector.jack@dol.gov](#); [Schoen, Michael - SOL](#); [Hayes Fuller](#); [Matt Wilber](#); [Mark Grotefeld](#); [Zona Jones](#); [Jim Klick](#); [Patrick Gareis](#); [Waylon Pickett](#); [Anooj Thakrar](#); [Kevin Mosley](#); [ktaunton@ttsslawfirm.com](#); [fredwilson@up.com](#); [Laurence Leavitt](#); [Brook Laskey](#); [Eugene LaFlamme](#); [Matt Rosek](#); [Lori Brown](#); [Webster, Susan](#)
Subject: Re: AN removal draft protocol
Date: Wednesday, May 29, 2013 7:01:51 PM

All,

Thank you for your comments on the draft protocol for the sampling and removal of the AN. I look forward to working with you or your representatives on crafting a final protocol.

This will be one of the topics the steering committee will be discussing next week.

There are some urgent matters that need to be attended to prior to removing the AN so there will be some time for us to work this topic out.

Safe travels and see you next week.

Best regards

Chuck Keith

Sent from my iPad

On May 29, 2013, at 6:58 PM, "John McCoy" <jmccoy@mlllaw.com> wrote:

The plan is to implement as soon as possible. No actual date but that is the idea. We can't set a date until we note any real objection.

We have a consultant that is monitoring health and safety. Either Grones or Lauderdale is my best guess but Crane could speak to that more accurately.

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9496756

From: Quinones, Edwin [<mailto:quinones.edwin@epa.gov>]
Sent: Wednesday, May 29, 2013 5:55 PM
To: David Vansoest; John McCoy; Kelly Cook; Kathleen Decker; Susan Jablonski; 'don.holmstrom@csb.gov'; 'daniel.horowitz@csb.gov'; 'chris.lyon@csb.gov'; 'johnnie.banks@csb.gov'; Hayes, Mark; 'lewis.jeffrey@dol.gov'; 'Le, Madeleine - SOL'; 'rector.jack@dol.gov'; Schoen, Michael - SOL; 'Hayes Fuller'; Charles Keith; Matt Wilber; 'Mark Grotefeld'; 'Zona Jones'; 'Jim Klick'; 'Patrick Gareis'; 'Waylon Pickett'; 'Anooj Thakrar'; 'Kevin Mosley'; 'ktaunton@tsslawfirm.com'; 'fredwilson@up.com'
Cc: Laurence Leavitt; Brook Laskey; Eugene LaFlamme; Matt Rosek; Lori Brown; Hayes, Mark; Webster, Susan
Subject: RE: AN removal draft protocol

I concur with Mr. Vansoest's comment on Item 4 regarding the cost of lab analyses. The cost shouldn't be at taxpayer expense.

The draft protocol is a step in the right direction, but it lacks a time-table or schedule. For example, the proposal to initiate a site safety plan doesn't say when the plan is to be completed, nor does it say to whom and by what date it shall be submitted. It may be that the upcoming Work Plan will provide that, but I thought I'd mention it since time is of the essence.

I don't remember if any of the e-mails this past week included a draft Health and Safety Plan (which may be what is meant by a "site safety plan") or a draft Emergency Plan, in the event there is an emergency release of a hazardous substance. If not, I suggest the preparation of those two plans be included in the mix.

Another issue concerns the approval or disapproval of the draft protocol and any other plans submitted to implement it. Please understand that my comments should not be construed as EPA otherwise approving the draft protocol submitted by Mr. McCoy. That's not to say that EPA "disapproves" of it or its eventual final version, though.

I'll defer to EPA OSC Mark Hayes on any remaining technical concerns he may have with the draft protocol.

Please feel free to call or e-mail me if anyone has any questions.

Ed Quinones
Assistant Regional Counsel
214-665-8035

From: David Vansoest [<mailto:david.vansoest@tceq.texas.gov>]
Sent: Wednesday, May 29, 2013 4:54 PM
To: John McCoy; Kelly Cook; Kathleen Decker; Susan Jablonski; 'don.holmstrom@csb.gov'; 'daniel.horowitz@csb.gov'; 'chris.lyon@csb.gov'; 'johnnie.banks@csb.gov'; Quinones, Edwin; Hayes, Mark; 'lewis.jeffrey@dol.gov'; 'Le, Madeleine - SOL'; 'rector.jack@dol.gov'; Schoen, Michael - SOL; 'Hayes Fuller'; Charles Keith; Matt Wilber; 'Mark Grotefeld'; 'Zona

Jones'; 'Jim Klick'; 'Patrick Gareis'; 'Waylon Pickett'; 'Anooj Thakrar'; 'Kevin Mosley';
'ktaunton@tsslawfirm.com'; 'fredwilson@up.com'
Cc: Laurence Leavitt; Brook Laskey; Eugene LaFlamme; Matt Rosek; Lori Brown
Subject: RE: AN removal draft protocol

Mr. McCoy,

Please find below a list of items to be considered in the final plan. Once a final version is complete we would like a copy prior to the commencement of any activities.

Item 4 states: "Three samples of the material will be collected... It is our suggestion that any analysis of the material be done by a *mutually agreed upon independent lab and the cost be shared by the interested parties.*"

The TCEQ does not agree this should be a shared cost and does not need to be involved in the decision regarding the contracting of a third party independent lab.

Item 9: The disposal of the rinsing process water. The TCEQ will not provide disposal instructions for this activity but requires that all rinse water is properly disposed of as determined by its waste categorization and in accordance with state and federal law.

Additionally, we suggest that consideration or additional planning be considered in the event there is material that is hardened or has become compacted and is not readily shoveled or able to be vacuumed into approved containers.

Also, we ask that all state and federal rules and regulations be followed regarding the transportation of the Ammonia Nitrate and that any health and safety plan be followed and is in compliance with all applicable rules and regulations.

Please feel free to contact me if you have any questions or concerns.

David Van Soest
Director Regions 9 and 11
TCEQ
(512) 239-0468
(512) 633-6593

From: John McCoy [<mailto:jmccoy@mllaw.com>]
Sent: Saturday, May 25, 2013 1:20 PM
To: David Vansoest; Kelly Cook; Kathleen Decker; Susan Jablonski;
'don.holmstrom@csb.gov'; 'daniel.horowitz@csb.gov'; 'chris.lyon@csb.gov';
'johnnie.banks@csb.gov'; 'quinones.edwin@epa.gov'; 'hayes.mark@epa.gov';
'lewis.jeffrey@dol.gov'; 'Le, Madeleine - SOL'; 'rector.jack@dol.gov'; Schoen, Michael -
SOL; 'Hayes Fuller'; Charles Keith; Matt Wilber; 'Mark Grotefeld'; 'Zona Jones'; 'Jim Klick';
'Patrick Gareis'; 'Waylon Pickett'; 'Anooj Thakrar'; 'Kevin Mosley';
'ktaunton@tsslawfirm.com'; 'fredwilson@up.com'

Cc: Laurence Leavitt; Brook Laskey; Eugene LaFlamme; Matt Rosek; Lori Brown
Subject: FW: AN removal draft protocol

All,

Attached is the drat protocol for AN removal at the site.

I understand state and federal agencies want the removal to occur as soon as possible and before the inspection of June 3-4.

This protocol was put together in consultation with the AN manufacturer. A representative of the AN manufacturer was brought on site on Wednesday of last week to observe the rail car and its contents.

I would like to get approval for TCEQ on this plan or advise of changes.

I understand that the railroad, UP, is interested in removing the railcar once the AN is removed. They are on this e-mail and we ask they coordinate with Crane Engineering for this removal. It will require a protocol that is acceptable to the people on this e-mail.

When we have an approved plan to remove the AN and railcar we will pick a date to implement the plan. We plan to video that removal and share with all "interested parties".

We do not intend to have all "interested parties" attend the removal of the AN or the railcar.

John

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From: Charles Keith [<mailto:chuckk@craneengineering.com>]
Sent: Thursday, May 23, 2013 8:55 PM
To: John McCoy
Cc: Matt Wilber
Subject: AN removal draft protocol

John

Here is a draft protocol for your review.

Please call to discuss

C

Charles G. Keith, P.E.
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